

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

**GRANT HOUSE, et al,
Plaintiffs,**

CASE NO. 4:20-cv-03919-CW

v.

**NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, et al.
Defendants.**

**ADMINISTRATIVE MOTION OF NON-PARTY BALL STATE UNIVERSITY
TO CONSIDER WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED**

Ball State University (“the University”), Movant, by counsel, pursuant to Administrative Rule 79-5(f) of the Administrative Rules of this Court and the Joint Administrative Motion To Seal, ECF Filing No. 318 at page 3, and, files its Administrative Motion to Consider Whether Another Party's Material Should be Sealed. As grounds, the University alleges:

1. Ball State University is a state-supported institution of higher education located in Muncie, Indiana. The University is a member of the National Collegiate Athletic Association, the Defendant in this case.

2. On September 15, 2023 the University received notice from counsel for the NCAA that Plaintiff had filed under seal at ECF Filing No. 318-1 certain information that the University requests be left under seal.

3. The information is identified in Exhibit 1 to ECF Filing No. 318 and is located in ECF Filing No. 251-1, the Expert Report of Catherine Tucker. More specifically, at p. 212, Paragraph 251(c), the expert report identifies a Ball State University student athlete by name twice as the recipient of NIL deals. And, at page 212, notes 558 and 559, the information

consists of spreadsheets consisting of “Reported NIL Transactions” involving Ball State student athletes.

4. The identity of the student athletes and the details of their NIL deals is a protected educational record pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, 34 CFR Part 99 (“FERPA”). Pursuant to FERPA, Ball State University is under a statutory duty to protect student educational records from public disclosure. Maintaining confidentiality of the educational records of students follows the law as determined by FERPA and is in the public interest.

5. The identity of the student athletes and the details of their NIL deals was disclosed to Plaintiff’s counsel in response to a subpoena, which is a limited exception to the general rule of non-disclosure. This initial disclosure was not public and did not waive the University’s duty to protect the educational records of the student athlete from public disclosure.

6. The University requests that the name of the student athlete and the details of his NIL deals, which appear in Paragraph 251 (c) of the expert report of Catherine Tucker, filed at ECF Filing No.251-1 , remain under seal pursuant to its obligation to maintain confidentiality of student educational records pursuant to FERPA.

7. The University also requests that the spreadsheets found at notes 558 and 559 to the expert report of Catherine Tucker at ECF Filing No. 251-1, page 212, be maintained under seal to protect the identity of student athletes and the details of their NIL deals from public disclosure.

7. If the requested relief is not granted, the student-athletes’ right to privacy in their educational records will be violated. No less restrictive alternative exists to sealing this information that will protect the right to privacy of the student athletes in their educational records.

8. This Motion is supported by the Declaration of Monica Roberts, Interim Registrar of Ball State University, attached as Exhibit “A” to this Motion.

WHEREFORE, movant Ball State University requests that this Court grant this Motion and Order that the name of the student athlete and the details of his NIL deals identified at ECF Filing No. 251-1, at page 212, Paragraph 251(c) be redacted in any future court filings and maintained under seal, and that the spreadsheets identified at ECF Filing No. 251-1, at page 212, notes 558 and 559 also be redacted in any future court filings and maintained under seal..

DEFUR VORAN LLP

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Northern District of California, Oakland Division, by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Scott E. Shockley